

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JASON PIASECKI,	:	CASE NO. 14-CV-7004
PETITIONER	:	
	:	
v.	:	
	:	
COURT OF COMMON PLEAS OF	:	
BUCKS COUNTY, ET AL.,	:	(CIVIL ACTION)
RESPONDENTS	:	

**SUPPLEMENT TO ANSWER IN OPPOSITION TO PETITION FOR WRIT OF
HABEAS CORPUS AND MEMORANDUM OF LAW IN SUPPORT THEREOF
PURSUANT TO U.S.C.S. SECTION 2254, RULE 5**

VOLUME I

**KAREN A. DIAZ
DEPUTY DISTRICT ATTORNEY**

**STEPHEN B. HARRIS
CHIEF OF APPEALS**

**DAVID W. HECKLER
DISTRICT ATTORNEY**

**DISTRICT ATTORNEY'S OFFICE
BUCKS COUNTY JUSTICE CENTER – 2nd FLOOR
100 N. MAIN STREET
DOYLESTOWN, PA18901
#(215) 348-6344**

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EXHIBIT C:

Opinion, Trial Court, 11/29/10

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Opinion, PCRA Court, 7/1/13

EXHIBIT I:

Brief for Appellant, PCRA Appeal, No. 1482 EDA 2013 (Without Attachments)

¹ Pursuant to this Honorable Court's Order of February 6, 2015, the Bucks County Clerk of Courts was directed to forward to this Honorable Court the contents of the Bucks County Clerk of Courts file on Bucks Co. Case No. CP-09-CR-0005364-2009. The AOPC Web Docketing Statement reflects that the Clerk of Courts file contains the relevant notes of testimony, as well as the Court Opinions of the PCRA court and the Pennsylvania Superior Court. Therefore, this Supplement contains those appellate documents that Respondent believes are relevant but are not contained within in the Bucks County Clerk of Courts file.

EXHIBIT J:

Memorandum Opinion, PA Superior Court, No. 1482 EDA 2013, 7/25/11

EXHIBIT K:

Petition for Allowance of Appeal, PCRA Appeal, No. 178 MAL 2014

EXHIBIT A

COURT OF COMMON PLEAS OF BUCKS COUNTY**DOCKET****Docket Number: CP-09-CR-0005364-2009****CRIMINAL DOCKET****Court Case**

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CASE INFORMATIONCross Court Docket Nos: 1397 EDA 2010, 608 MAL 2011, 178 MAL 2014, 1482 EDA 2013Judge Assigned:Date Filed: 08/17/2009Initiation Date: 07/27/2009OTN: L 500196-4LOTN: L 500196-4Originating Docket No: MJ-07207-CR-0000174-2009Initial Issuing Authority: Donald NasshornFinal Issuing Authority: Donald NasshornArresting Agency: Upper Makefield Police DeptArresting Officer: Haines, Patricia M.Complaint/Incident #:Case Local Number Type(s)Case Local Number(s)**RELATED CASES**

<u>Related Docket No</u>	<u>Related Case Caption</u>	<u>Related Court</u>	<u>Association Reason</u>
Related			
1482 EDA 2013		Appellate	Superior Court Appeal
1397 EDA 2010		Appellate	appeal to Superior Court
608 MAL 2011		Appellate	appeal to Supreme Court

STATUS INFORMATION

<u>Case Status:</u>	<u>Status Date</u>	<u>Processing Status</u>	<u>Arrest Date:</u>
Closed	10/03/2014	Appeal Decided	07/27/2009
	05/22/2013	Awaiting Appellate Court Decision	
	01/31/2012	Appeal Decided	
	05/21/2010	Awaiting Appellate Court Decision	
	04/26/2010	Sentenced/Penalty Imposed	
	02/24/2010	Awaiting Sentencing	
	02/24/2010	Awaiting PSI	
	01/14/2010	Awaiting Sentencing	
	10/07/2009	Awaiting Trial	
	08/19/2009	Awaiting Pre-Trial Conference	
	08/18/2009	Awaiting Trial	
	08/17/2009	Awaiting Formal Arraignment	
	08/17/2009	Awaiting Filing of Information	

Complaint Date: 07/27/2009

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CALENDAR EVENTS

<u>Case Calendar</u> <u>Event Type</u>	<u>Schedule</u> <u>Start Date</u>	<u>Start</u> <u>Time</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u> <u>Status</u>
Formal Arraignment	09/11/2009	12:00 pm	1st Floor, District Attorney's Booth		Scheduled
Trial	10/19/2009	9:00 am	1st Floor, District Attorney's Booth		Continued
Trial	11/16/2009	9:00 am	1st Floor, District Attorney's Booth		Continued
Trial	12/02/2009	9:00 am	1st Floor, District Attorney's Booth		Continued
Trial	01/08/2010	9:00 am	1st Floor, District Attorney's Booth		Moved
Trial	01/11/2010	9:00 am	1st Floor, District Attorney's Booth		Scheduled
Sentencing	04/26/2010	9:30 am	Courtroom #1	Judge Rea B. Boylan	Scheduled
Probation/Parole Violation Hearings	11/22/2010	9:00 am	Courtroom #3	Judge Wallace H. Bateman Jr.	Cancelled
Miscellaneous Criminal Hearings	04/04/2012	9:30 am	Courtroom #2	Judge Rea B. Boylan	Scheduled
Miscellaneous Criminal Hearings	04/02/2013	11:00 am	Courtroom #2	Judge Rea B. Boylan	Moved
Miscellaneous Criminal Hearings	04/04/2013	11:00 am	Courtroom #2	Judge Rea B. Boylan	Scheduled
Miscellaneous Criminal Hearings	04/16/2013	11:30 am	Courtroom #2	Judge Rea B. Boylan	Scheduled

CONFINEMENT INFORMATION

<u>Confinement</u> <u>Known As Of</u>	<u>Confinement</u> <u>Type</u>	<u>Destination</u> <u>Location</u>	<u>Confinement</u> <u>Reason</u>	<u>Still in</u> <u>Custody</u>
09/03/2010	County Jail	Bucks County Prison		Yes

DEFENDANT INFORMATION

Date Of Birth: 07/17/1977 City/State/Zip: Washington Crossing, PA 18977

CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Probation Officer	Lange, Kelly A.
Defendant	Piasecki, Jason

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BAIL INFORMATION

Piasecki, Jason

Nebbia Status: None

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
Set	07/27/2009	Unsecured		\$200,000.00		
Change Non-Monetary Conditions	09/18/2009	Unsecured		\$200,000.00		
Change Non-Monetary Conditions	01/14/2010	Unsecured		\$200,000.00		
					Posted	07/27/2009

CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1	F3	18 § 6312 §§C1	Dissem Photo/Film Of Child Sex Acts	04/01/2009	L 500196-4
2	2	F2	18 § 6312 §§C1	Dissem Photo/Film Of Child Sex Acts	04/01/2009	L 500196-4
3	3	F2	18 § 6312 §§C1	Dissem Photo/Film Of Child Sex Acts	04/01/2009	L 500196-4
4	4	F2	18 § 6312 §§C1	Dissem Photo/Film Of Child Sex Acts	04/01/2009	L 500196-4
5	5	F2	18 § 6312 §§C1	Dissem Photo/Film Of Child Sex Acts	04/01/2009	L 500196-4
6	6	F2	18 § 6312 §§C1	Dissem Photo/Film Of Child Sex Acts	04/01/2009	L 500196-4
7	7	F2	18 § 6312 §§C1	Dissem Photo/Film Of Child Sex Acts	04/01/2009	L 500196-4
8	8	F2	18 § 6312 §§C1	Dissem Photo/Film Of Child Sex Acts	04/01/2009	L 500196-4
9	9	F2	18 § 6312 §§C1	Dissem Photo/Film Of Child Sex Acts	04/01/2009	L 500196-4
10	10	F2	18 § 6312 §§C1	Dissem Photo/Film Of Child Sex Acts	04/01/2009	L 500196-4
11	11	F2	18 § 6312 §§C1	Dissem Photo/Film Of Child Sex Acts	04/01/2009	L 500196-4
12	12	F2	18 § 6312 §§C1	Dissem Photo/Film Of Child Sex Acts	04/01/2009	L 500196-4
13	13	F2	18 § 6312 §§C1	Dissem Photo/Film Of Child Sex Acts	04/01/2009	L 500196-4
14	14	F2	18 § 6312 §§C1	Dissem Photo/Film Of Child Sex Acts	04/01/2009	L 500196-4
15	15	F2	18 § 6312 §§C1	Dissem Photo/Film Of Child Sex Acts	04/01/2009	L 500196-4
16	16	F2	18 § 6312 §§D1	Sexual Abuse of Children - Possession Of Child Pornography	04/01/2009	L 500196-4
17	17	F2	18 § 6312 §§D1	Sexual Abuse of Children - Possession Of Child Pornography	04/01/2009	L 500196-4
18	18	F2	18 § 6312 §§D1	Sexual Abuse of Children - Possession Of Child Pornography	04/01/2009	L 500196-4
19	19	F2	18 § 6312 §§D1	Sexual Abuse of Children - Possession Of Child Pornography	04/01/2009	L 500196-4
20	20	F2	18 § 6312 §§D1	Sexual Abuse of Children - Possession Of Child Pornography	04/01/2009	L 500196-4
21	21	F2	18 § 6312 §§D1	Sexual Abuse of Children - Possession Of Child Pornography	04/01/2009	L 500196-4

CPCMS 9082

Printed: 03/08/2015

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assume any liability for inaccurate or delayed data, errors or omissions on these reports. Docket Sheet information should not be used in place of a criminal history background check which can only be provided by the Pennsylvania State Police. Moreover an employer who does not comply with the provisions of the Criminal History Record Information Act may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

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CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
22	22	F2	18 § 6312 §§D1	Sexual Abuse of Children - Possession Of Child Pornography	04/01/2009	L 500196-4
23	23	F2	18 § 6312 §§D1	Sexual Abuse of Children - Possession Of Child Pornography	04/01/2009	L 500196-4
24	24	F2	18 § 6312 §§D1	Sexual Abuse of Children - Possession Of Child Pornography	04/01/2009	L 500196-4
25	25	F2	18 § 6312 §§D1	Sexual Abuse of Children - Possession Of Child Pornography	04/01/2009	L 500196-4
26	26	F2	18 § 6312 §§D1	Sexual Abuse of Children - Possession Of Child Pornography	04/01/2009	L 500196-4
27	27	F2	18 § 6312 §§D1	Sexual Abuse of Children - Possession Of Child Pornography	04/01/2009	L 500196-4
28	28	F2	18 § 6312 §§D1	Sexual Abuse of Children - Possession Of Child Pornography	04/01/2009	L 500196-4
29	29	F2	18 § 6312 §§D1	Sexual Abuse of Children - Possession Of Child Pornography	04/01/2009	L 500196-4
30	30	F2	18 § 6312 §§D1	Sexual Abuse of Children - Possession Of Child Pornography	04/01/2009	L 500196-4

DISPOSITION SENTENCING/PENALTIES

DispositionCase EventSequence/DescriptionSentencing JudgeSentence/Diversion Program TypeSentence ConditionsDisposition DateOffense DispositionSentence DateIncarceration/Diversionary PeriodFinal DispositionGrade SectionCredit For Time ServedStart Date

Lower Court Proceeding (generic)

Lower Court Disposition

08/13/2009

Not Final

1 / Dissem Photo/Film Of Child Sex Acts	Held for Court (Lower Court)	F3	18 § 6312 §§ C1
2 / Dissem Photo/Film Of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C1
3 / Dissem Photo/Film Of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C1
4 / Dissem Photo/Film Of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C1
5 / Dissem Photo/Film Of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C1
6 / Dissem Photo/Film Of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C1
7 / Dissem Photo/Film Of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C1
8 / Dissem Photo/Film Of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C1
9 / Dissem Photo/Film Of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C1
10 / Dissem Photo/Film Of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C1
11 / Dissem Photo/Film Of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C1
12 / Dissem Photo/Film Of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C1

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13 / Dissem Photo/Film Of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C1
14 / Dissem Photo/Film Of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C1
15 / Dissem Photo/Film Of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C1
16 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court (Lower Court)	F2	18 § 6312 §§ D1
17 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court (Lower Court)	F2	18 § 6312 §§ D1
18 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court (Lower Court)	F2	18 § 6312 §§ D1
19 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court (Lower Court)	F2	18 § 6312 §§ D1
20 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court (Lower Court)	F2	18 § 6312 §§ D1
21 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court (Lower Court)	F2	18 § 6312 §§ D1
22 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court (Lower Court)	F2	18 § 6312 §§ D1
23 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court (Lower Court)	F2	18 § 6312 §§ D1
24 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court (Lower Court)	F2	18 § 6312 §§ D1
25 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court (Lower Court)	F2	18 § 6312 §§ D1
26 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court (Lower Court)	F2	18 § 6312 §§ D1
27 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court (Lower Court)	F2	18 § 6312 §§ D1
28 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court (Lower Court)	F2	18 § 6312 §§ D1
29 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court (Lower Court)	F2	18 § 6312 §§ D1
30 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court (Lower Court)	F2	18 § 6312 §§ D1

Proceed to Court (Arraignment Waived)

Information Filed	09/08/2009	Not Final	
1 / Dissem Photo/Film Of Child Sex Acts	Held for Court	F3	18 § 6312 §§ C1
2 / Dissem Photo/Film Of Child Sex Acts	Held for Court	F2	18 § 6312 §§ C1

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DispositionCase EventDisposition DateFinal DispositionSequence/DescriptionOffense DispositionGrade SectionSentencing JudgeSentence DateCredit For Time ServedSentence/Diversion Program TypeIncarceration/Diversionary PeriodStart DateSentence Conditions

3 / Dissem Photo/Film Of Child Sex Acts	Held for Court	F2	18 § 6312 §§ C1
4 / Dissem Photo/Film Of Child Sex Acts	Held for Court	F2	18 § 6312 §§ C1
5 / Dissem Photo/Film Of Child Sex Acts	Held for Court	F2	18 § 6312 §§ C1
6 / Dissem Photo/Film Of Child Sex Acts	Held for Court	F2	18 § 6312 §§ C1
7 / Dissem Photo/Film Of Child Sex Acts	Held for Court	F2	18 § 6312 §§ C1
8 / Dissem Photo/Film Of Child Sex Acts	Held for Court	F2	18 § 6312 §§ C1
9 / Dissem Photo/Film Of Child Sex Acts	Held for Court	F2	18 § 6312 §§ C1
10 / Dissem Photo/Film Of Child Sex Acts	Held for Court	F2	18 § 6312 §§ C1
11 / Dissem Photo/Film Of Child Sex Acts	Held for Court	F2	18 § 6312 §§ C1
12 / Dissem Photo/Film Of Child Sex Acts	Held for Court	F2	18 § 6312 §§ C1
13 / Dissem Photo/Film Of Child Sex Acts	Held for Court	F2	18 § 6312 §§ C1
14 / Dissem Photo/Film Of Child Sex Acts	Held for Court	F2	18 § 6312 §§ C1
15 / Dissem Photo/Film Of Child Sex Acts	Held for Court	F2	18 § 6312 §§ C1
16 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court	F2	18 § 6312 §§ D1
17 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court	F2	18 § 6312 §§ D1
18 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court	F2	18 § 6312 §§ D1
19 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court	F2	18 § 6312 §§ D1
20 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court	F2	18 § 6312 §§ D1
21 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court	F2	18 § 6312 §§ D1
22 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court	F2	18 § 6312 §§ D1
23 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court	F2	18 § 6312 §§ D1
24 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court	F2	18 § 6312 §§ D1
25 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court	F2	18 § 6312 §§ D1
26 / Sexual Abuse of Children - Possession Of Child Pornography	Held for Court	F2	18 § 6312 §§ D1

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DISPOSITION SENTENCING/PENALTIES

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27 / Sexual Abuse of Children - Possession Of Child
Pornography
28 / Sexual Abuse of Children - Possession Of Child
Pornography
29 / Sexual Abuse of Children - Possession Of Child
Pornography
30 / Sexual Abuse of Children - Possession Of Child
Pornography

Held for Court

F2

18 § 6312 §§ D1

Held for Court

F2

18 § 6312 §§ D1

Held for Court

F2

18 § 6312 §§ D1

Held for Court

F2

18 § 6312 §§ D1

GuiltyTrial

01/14/2010

Final Disposition

1 / Dissem Photo/Film Of Child Sex Acts
Boylan, Rea B.

Demurrer Sustained
04/26/2010

F3

18 § 6312 §§ C1

2 / Dissem Photo/Film Of Child Sex Acts
Boylan, Rea B.

Demurrer Sustained
04/26/2010

F2

18 § 6312 §§ C1

3 / Dissem Photo/Film Of Child Sex Acts
Boylan, Rea B.

Demurrer Sustained
04/26/2010

F2

18 § 6312 §§ C1

4 / Dissem Photo/Film Of Child Sex Acts
Boylan, Rea B.

Demurrer Sustained
04/26/2010

F2

18 § 6312 §§ C1

5 / Dissem Photo/Film Of Child Sex Acts
Boylan, Rea B.

Demurrer Sustained
04/26/2010

F2

18 § 6312 §§ C1

6 / Dissem Photo/Film Of Child Sex Acts
Boylan, Rea B.

Demurrer Sustained
04/26/2010

F2

18 § 6312 §§ C1

7 / Dissem Photo/Film Of Child Sex Acts
Boylan, Rea B.

Demurrer Sustained
04/26/2010

F2

18 § 6312 §§ C1

8 / Dissem Photo/Film Of Child Sex Acts
Boylan, Rea B.

Demurrer Sustained
04/26/2010

F2

18 § 6312 §§ C1

9 / Dissem Photo/Film Of Child Sex Acts
Boylan, Rea B.

Demurrer Sustained
04/26/2010

F2

18 § 6312 §§ C1

10 / Dissem Photo/Film Of Child Sex Acts
Boylan, Rea B.

Demurrer Sustained
04/26/2010

F2

18 § 6312 §§ C1

11 / Dissem Photo/Film Of Child Sex Acts

Demurrer Sustained

F2

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Information Act may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

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DISPOSITION SENTENCING/PENALTIESDisposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			
Boylan, Rea B.	04/26/2010		
12 / Dissem Photo/Film Of Child Sex Acts	Demurrer Sustained	F2	18 § 6312 §§ C1
Boylan, Rea B.	04/26/2010		
13 / Dissem Photo/Film Of Child Sex Acts	Demurrer Sustained	F2	18 § 6312 §§ C1
Boylan, Rea B.	04/26/2010		
14 / Dissem Photo/Film Of Child Sex Acts	Demurrer Sustained	F2	18 § 6312 §§ C1
Boylan, Rea B.	04/26/2010		
15 / Dissem Photo/Film Of Child Sex Acts	Demurrer Sustained	F2	18 § 6312 §§ C1
Boylan, Rea B.	04/26/2010		
16 / Sexual Abuse of Children - Possession Of Child Pornography	Guilty	F2	18 § 6312 §§ D1
Boylan, Rea B.	04/26/2010		
Probation	Min of 36.00 Months Max of 36.00 Months Other		
Pay Costs			
Defendant advised of Post-Sentence Rights			
17 / Sexual Abuse of Children - Possession Of Child Pornography	Guilty	F2	18 § 6312 §§ D1
Boylan, Rea B.	04/26/2010		
Probation	Min of 36.00 Months Max of 36.00 Months Other		
Pay Costs			
Defendant advised of Post-Sentence Rights			
18 / Sexual Abuse of Children - Possession Of Child Pornography	Guilty	F2	18 § 6312 §§ D1
Boylan, Rea B.	04/26/2010		
Probation	Min of 36.00 Months Max of 36.00 Months Other		
Pay Costs			
Defendant advised of Post-Sentence Rights			

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DISPOSITION SENTENCING/PENALTIES

Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			
19 / Sexual Abuse of Children - Possession Of Child Pornography Boylan, Rea B. Probation	Guilty 04/26/2010 Min of 36.00 Months Max of 36.00 Months Other	F2	18 § 6312 §§ D1
Pay Costs Defendant advised of Post-Sentence Rights			
20 / Sexual Abuse of Children - Possession Of Child Pornography Boylan, Rea B. Probation	Guilty 04/26/2010 Min of 36.00 Months Max of 36.00 Months Other	F2	18 § 6312 §§ D1
Pay Costs Defendant advised of Post-Sentence Rights			
21 / Sexual Abuse of Children - Possession Of Child Pornography Boylan, Rea B. Probation	Guilty 04/26/2010 Min of 36.00 Months Max of 36.00 Months Other	F2	18 § 6312 §§ D1
Pay Costs Defendant advised of Post-Sentence Rights			
22 / Sexual Abuse of Children - Possession Of Child Pornography Boylan, Rea B. Probation	Guilty 04/26/2010 Min of 36.00 Months Max of 36.00 Months Other	F2	18 § 6312 §§ D1
Pay Costs Defendant advised of Post-Sentence Rights			
23 / Sexual Abuse of Children - Possession Of Child Pornography Boylan, Rea B.	Guilty 04/26/2010	F2	18 § 6312 §§ D1

CPCMS 9082

Printed: 03/08/2015

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assume any liability for inaccurate or delayed data, errors or omissions on these reports. Docket Sheet information should not be used in place of a criminal history background check which can only be provided by the Pennsylvania State Police. Moreover an employer who does not comply with the provisions of the Criminal History Record Information Act may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

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DISPOSITION SENTENCING/PENALTIES

Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			
Probation	Min of 36.00 Months Max of 36.00 Months Other		
Pay Costs			
Defendant advised of Post-Sentence Rights			
24 / Sexual Abuse of Children - Possession Of Child Pornography Boylan, Rea B. Probation	Guilty 04/26/2010 Min of 36.00 Months Max of 36.00 Months Other	F2	18 § 6312 §§ D1
Pay Costs			
Defendant advised of Post-Sentence Rights			
25 / Sexual Abuse of Children - Possession Of Child Pornography Boylan, Rea B. Probation	Guilty 04/26/2010 Min of 36.00 Months Max of 36.00 Months Other	F2	18 § 6312 §§ D1
Pay Costs			
Defendant advised of Post-Sentence Rights			
26 / Sexual Abuse of Children - Possession Of Child Pornography Boylan, Rea B. Probation	Guilty 04/26/2010 Min of 36.00 Months Max of 36.00 Months Other	F2	18 § 6312 §§ D1
Pay Costs			
Defendant advised of Post-Sentence Rights			
27 / Sexual Abuse of Children - Possession Of Child Pornography Boylan, Rea B. Probation	Guilty 04/26/2010 Min of 36.00 Months Max of 36.00 Months Other	F2	18 § 6312 §§ D1
Pay Costs			

CPCMS 9082

Printed: 03/09/2015

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DispositionCase EventSequence/DescriptionSentencing JudgeSentence/Diversion Program TypeSentence Conditions

Defendant advised of Post-Sentence Rights

Disposition DateOffense DispositionSentence DateIncarceration/Diversionary PeriodFinal DispositionGradeSectionCredit For Time ServedStart Date28 / Sexual Abuse of Children - Possession Of Child
Pornography

Boylan, Rea B.

Probation

Pay Costs

Defendant advised of Post-Sentence Rights

Guilty

04/26/2010

Min of 36.00 Months

Max of 36.00 Months

Other

F2

18 § 6312 §§ D1

29 / Sexual Abuse of Children - Possession Of Child
Pornography

Boylan, Rea B.

Probation

Pay Costs

Defendant advised of Post-Sentence Rights

Guilty

04/26/2010

Min of 36.00 Months

Max of 36.00 Months

Other

F2

18 § 6312 §§ D1

30 / Sexual Abuse of Children - Possession Of Child
Pornography

Boylan, Rea B.

Probation

Pay Costs

Defendant advised of Post-Sentence Rights

Guilty

04/26/2010

Min of 36.00 Months

Max of 36.00 Months

Other

F2

18 § 6312 §§ D1

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LINKED SENTENCES:

Link 1

CP-09-CR-0005364-2009 - Seq. No. 30 (18§ 6312 §§ D1) - Probation is Concurrent with
CP-09-CR-0005364-2009 - Seq. No. 29 (18§ 6312 §§ D1) - Probation

Link 10

CP-09-CR-0005364-2009 - Seq. No. 21 (18§ 6312 §§ D1) - Probation is Concurrent with
CP-09-CR-0005364-2009 - Seq. No. 20 (18§ 6312 §§ D1) - Probation

Link 11

CP-09-CR-0005364-2009 - Seq. No. 20 (18§ 6312 §§ D1) - Probation is Concurrent with
CP-09-CR-0005364-2009 - Seq. No. 19 (18§ 6312 §§ D1) - Probation

Link 12

CP-09-CR-0005364-2009 - Seq. No. 19 (18§ 6312 §§ D1) - Probation is Concurrent with
CP-09-CR-0005364-2009 - Seq. No. 18 (18§ 6312 §§ D1) - Probation

Link 13

CP-09-CR-0005364-2009 - Seq. No. 18 (18§ 6312 §§ D1) - Probation is Concurrent with
CP-09-CR-0005364-2009 - Seq. No. 17 (18§ 6312 §§ D1) - Probation

Link 14

CP-09-CR-0005364-2009 - Seq. No. 17 (18§ 6312 §§ D1) - Probation is Concurrent with
CP-09-CR-0005364-2009 - Seq. No. 16 (18§ 6312 §§ D1) - Probation

Link 2

CP-09-CR-0005364-2009 - Seq. No. 29 (18§ 6312 §§ D1) - Probation is Concurrent with
CP-09-CR-0005364-2009 - Seq. No. 28 (18§ 6312 §§ D1) - Probation

Link 3

CP-09-CR-0005364-2009 - Seq. No. 28 (18§ 6312 §§ D1) - Probation is Concurrent with
CP-09-CR-0005364-2009 - Seq. No. 27 (18§ 6312 §§ D1) - Probation

Link 4

CP-09-CR-0005364-2009 - Seq. No. 27 (18§ 6312 §§ D1) - Probation is Concurrent with
CP-09-CR-0005364-2009 - Seq. No. 26 (18§ 6312 §§ D1) - Probation

Link 5

CP-09-CR-0005364-2009 - Seq. No. 26 (18§ 6312 §§ D1) - Probation is Concurrent with
CP-09-CR-0005364-2009 - Seq. No. 25 (18§ 6312 §§ D1) - Probation

Link 6

CP-09-CR-0005364-2009 - Seq. No. 25 (18§ 6312 §§ D1) - Probation is Concurrent with
CP-09-CR-0005364-2009 - Seq. No. 24 (18§ 6312 §§ D1) - Probation

Link 7

CP-09-CR-0005364-2009 - Seq. No. 24 (18§ 6312 §§ D1) - Probation is Concurrent with
CP-09-CR-0005364-2009 - Seq. No. 23 (18§ 6312 §§ D1) - Probation

Link 8

CP-09-CR-0005364-2009 - Seq. No. 23 (18§ 6312 §§ D1) - Probation is Concurrent with
CP-09-CR-0005364-2009 - Seq. No. 22 (18§ 6312 §§ D1) - Probation

Link 9

CP-09-CR-0005364-2009 - Seq. No. 22 (18§ 6312 §§ D1) - Probation is Concurrent with
CP-09-CR-0005364-2009 - Seq. No. 21 (18§ 6312 §§ D1) - Probation

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COMMONWEALTH INFORMATION

Name: Jessica Leigh Arndt

District Attorney

Supreme Court No: 209226Phone Number(s):

215-348-6344 (Phone)

Address:55 E Court Street
Doylestown, PA 18901

ATTORNEY INFORMATION

Name: Richard R. Fink

Private

Supreme Court No: 016211Rep. Status: ActivePhone Number(s):

215-741-1212 (Phone)

215-741-0123 (Fax)

Address:the Lofts AT Oxford Valley
174 Middletown Blvd Ste 300
Langhorne, PA 19047-3201

Representing: Piasecki, Jason

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	07/27/2009		Piasecki, Jason
			Bail Posted - Piasecki, Jason
2	07/27/2009		Nasshorn, Donald
			Bail Set - Piasecki, Jason
1	08/17/2009		Court of Common Pleas - Bucks County
			Original Papers Received from Lower Court
1	08/19/2009		Maloney, Douglas
			Appearance and Waiver of Arraignment
2	08/19/2009		Maloney, Douglas
			Request for Pre-Trial Discovery
1	09/08/2009		Commonwealth of Pennsylvania
			Information Filed (Arraignment Waived)
1	09/18/2009		Maloney, Douglas
			Motion for Modification of Bail
			Walked to courtroom by Douglas Maloney, Esq.
2	09/18/2009		Cepparulo, Albert J.
			Order Granting Motion for Modification of Bail - Piasecki, Jason

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ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	09/24/2009		Bucks County District Attorney's Office
		Request for Pre-Trial Discovery	
2	09/24/2009		Bucks County District Attorney's Office
		Discovery Filed	
1	10/01/2009		Bucks County District Attorney's Office
		Request for Pre-Trial Discovery	
2	10/01/2009		Bucks County District Attorney's Office
		Discovery Filed	
1	11/02/2009		Maloney, Douglas
		Motion to Suppress Evidence	
1	11/09/2009		Bucks County District Attorney's Office
		Case Correspondence DA to call expert witness	
1	12/16/2009		Commonwealth of Pennsylvania
		Request for Pre-Trial Discovery	
2	12/16/2009		Commonwealth of Pennsylvania
		Discovery Filed	
1	01/04/2010		Arndt, Jessica Leigh
		Request for Pre-Trial Discovery	
2	01/06/2010		Maloney, Douglas
		Motion to Dismiss Due to C/W Destruction of Exculpatory Evidence Fwd for consideration.	
1	01/12/2010		Boylan, Rea B.
		Pretrial Motions - All Motions Denied.	
1	01/14/2010		Boylan, Rea B.
		Order Granting Motion for Modification of Bail - Piasecki, Jason	

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ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
2	01/14/2010		Boylan, Rea B.
Guilty			
3	01/14/2010		Boylan, Rea B.
Disposition Filed			
4	01/14/2010		Boylan, Rea B.
Sentence Deferred			
Sex offender assessment Ordered.			
Remain on Bail- Condition: Remain in Treatment			
1	01/15/2010		Court of Common Pleas - Bucks County
Exhibits Filed			
1	01/19/2010		Boylan, Rea B.
Order of SOAB Assessment			
Order dtd 1/14/10 directing SOAB perform an assessment of Deft			
1	01/20/2010		Maloney, Douglas
Motion Returned to File as Moot			
Motion to Dismiss Due to Commonwealth's Destruction of Exculpatory Evidence Returned as Moot			
1	04/26/2010		Boylan, Rea B.
Order - Sentence/Penalty Imposed			
1	05/04/2010		Court of Common Pleas - Bucks County
Penalty Assessed			
1	05/21/2010		Maloney, Douglas
Notice of Appeal to the Superior Court			
from the sentence on 4/26/10			
Arndt, Jesslca Leigh			
05/21/2010			
Boylan, Rea B.			
05/21/2010			
2	05/21/2010		Maloney, Douglas
Request for Transcripts			

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<u>Service To</u>	<u>Service By</u>	<u>Issue Date</u>	<u>Service Status</u>
Arndt, Jessica Leigh 05/21/2010 Bucks County Court Reporter 05/21/2010			
1	05/26/2010		Boylan, Rea B.
Concise Statement Order Arndt, Jessica Leigh 05/26/2010 Maloney, Douglas 05/26/2010			
1	05/28/2010		Superior Court of Pennsylvania - Eastern District
Docketing Statement from Superior Court 1397 EDA 2010			
1	06/15/2010		Maloney, Douglas
Concise Statement of the Matters Complained on Appeal Arndt, Jessica Leigh 06/15/2010 Boylan, Rea B. 06/15/2010			
1	07/13/2010		Bucks County Court Reporter
Trans filed for April 26, 2010 by Robert W Harley original only (16 pages) mandamus signed 7/13/10.			
1	09/14/2010		Bucks County Court Reporter
Trans filed for Jan 11,12,and 14th Pretrial motions trial day 1 and trial. Originals only filed by Donna L Sauerwald (total 391 pages) Mandamus signed on 1/20/2011			
1	10/14/2010		Bateman, Wallace H. Jr.
Order Granting Motion for Hearing on Violation of Probation/Parole			

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<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	11/10/2010		Court of Common Pleas - Bucks County
VOP Notice Returned As Undeliverable			
1	11/29/2010		Boylan, Rea B.
Opinion			
Arndt, Jessica Leigh			
11/29/2010			
Maloney, Douglas			
11/29/2010			
1	12/01/2010		Smithson, Mary K.
Complete Record Sent to Appellate Court			
2	12/01/2010		Smithson, Mary K.
Service of the List of Record Documents Filed			
Arndt, Jessica Leigh			
12/01/2010			
Boylan, Rea B.			
12/01/2010			
Maloney, Douglas			
12/01/2010			
1	12/20/2010		Piasecki, Jason
Penalty Satisfied			
1	01/30/2012	01/06/2012	Supreme Court of Pennsylvania - Middle District
Supreme Court Order			
Petition for Allowance of Appeal from the Order of the Superior Court is DENIED			
1	01/31/2012	07/25/2011	Superior Court of Pennsylvania - Eastern District
Superior Court Decision			
Judgment of sentence affirmed.			
2	01/31/2012		Superior Court of Pennsylvania - Eastern District
Certificate of Remittal/Remand of Record			

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<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
3	01/31/2012		Superior Court of Pennsylvania - Eastern District
Complete Record Returned from Appellate Court			
1	12/19/2012		Fink, Richard R.
Post-Conviction Relief Act Petition Filed forwarded to Court			
Bucks County District Attorney's Office			
12/20/2012			
Piasecki, Jason			
12/20/2012			
1	01/03/2013		Boylan, Rea B.
Order Directing Answer Regarding Deft's PCRA Petition filed 12/19/12.			
Commonwealth to file an Answer, due 1/28/13.			
Bucks County District Attorney's Office			
01/07/2013			
Fink, Richard R.			
01/07/2013			
1	01/28/2013	01/24/2013	Boylan, Rea B.
Order for Hearing			
Order dated 1/24/13, it is ordered that a hearing on the defendant's PCRA Petition is set for 4/4/13 at 11:00 in courtroom #1 of the Bucks County Courthouse.			
Bucks County District Attorney's Office			
01/29/2013			
Fink, Richard R.			
01/29/2013			
2	01/28/2013		Bucks County District Attorney's Office
Answer To Petition For Post Conviction Collateral Relief forward for consideration			
1	03/28/2013		Fink, Richard R.
Additional Material filed on PCRA Petition			
Supplement of Paragraphs 11 and 13 of Petition for PPost Conviction Collateral Relief.			
Forwarded to Court.			

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1	04/10/2013		Boylan, Rea B.
Hearing Held PCRA Hearing not finished; needs new date			
2	04/11/2013		Boylan, Rea B.
Order Granting Motion for Transcripts It is ordered and directed that Mary Saile transcribe the notes of testimony for PCRA hearing held on 4/4/13 Arndt, Jessica Leigh 04/11/2013 Bucks County Court Reporter 04/11/2013 Fink, Richard R. 04/11/2013			
1	04/15/2013		Bucks County District Attorney's Office
Memorandum RE: Petitioner's PCRA Claims forward to court			
1	04/16/2013		Boylan, Rea B.
Hearing held, PCRA continued from 4/4/13. Under advisement. Hearing completed.			
2	04/16/2013		Bucks County Court Reporter
Transcript Dated 4/4/13 Filed by Mary Saile (213 Pages) Original Only Mandamus signed on 5/23/2013			
1	04/22/2013		Bucks County Court Reporter
Transcript Dated 4/4/13 by May Saile (31 Pages) Original Only			
1	04/24/2013		Boylan, Rea B.
PCRA Order: Upon review of Defendant's Petition for Post Conviction Collateral Relief filed on 12/19/12, the Commonwealth's Answer filed on 1/28/13, any supplemental filings and memoranda, and after a hearing on the matter, it is hereby ORDERED, ADJUDGED, and DECREED that the petition is DENIED. Deft may appeal to the Superior Court of Pa. within 30 days from the date of entry of this Order. Pa.R.A.P. 903; but see 42 Pa.C.S. 95439a)(1)(i). Bucks County District Attorney's Office 04/24/2013 Fink, Richard R. 04/24/2013			

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<u>Service To</u>		<u>Service By</u>	
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
1	05/22/2013		Fink, Richard R.
Notice of Appeal to the Superior Court From the Order entered 4/23/13 Superior Court of Pennsylvania - Eastern District 05/22/2013			
1	05/24/2013		Boylan, Rea B.
Concise Statement Order Concise statement within 21 days of the date of this Order.			
1	05/30/2013		Superior Court of Pennsylvania - Eastern District
Docketing Statement from Superior Court 1482 EDA 2013			
1	06/11/2013		Fink, Richard R.
Concise Statement of the Matters Complained on Appeal			
1	07/02/2013		Boylan, Rea B.
Memorandum Opinion			
1	07/03/2013		Smithson, Mary K.
Service of the List of Record Documents Filed Boylan, Rea B. 07/03/2013 Bucks County District Attorney's Office 07/03/2013 Fink, Richard R. 07/03/2013 Superior Court of Pennsylvania - Eastern District 07/03/2013			
2	07/03/2013		Smithson, Mary K.
Certificate and Transmittal of Record to Appellate Court			

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1	07/12/2013		Bucks County Court Reporter
Trans filed for April 16, 2013 original only filed by Mary F Saile (71 pages)			
1	08/08/2013		Fink, Richard R.
Case correspondence regarding Superior Court filing Copy of Motion for Extension to File Appellate Brief placed in file.			
1	08/09/2013		Smithson, Mary K.
Certificate and Transmittal of Supplemental Record to Superior Court 1 Volume Notes of Testimony, April 16, 2013			
Boylan, Rea B. 08/09/2013			
1	09/15/2014	08/19/2014	Supreme Court of Pennsylvania - Middle District
Petition for Allowance of Appeal Denied - Supreme Court AND NOW, this 19th day of August, 2014, the Petition for Allowance of Appeal is DENIED.			
1	10/03/2014		Superior Court of Pennsylvania - Eastern District
Certificate of Remittal/Remand of Record			
2	10/03/2014	02/21/2014	Superior Court of Pennsylvania - Eastern District
Superior Court Decision Judgment of Appeal is DISMISSED			
3	10/03/2014		Supreme Court of Pennsylvania - Middle District
Petition for Allowance of Appeal Denied - Supreme Court AND NOW, this 19th day of August, 2014, the Petition for Allowance of Appeal is DENIED.			

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<u>Service To</u>	<u>Service By</u>		
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
1	02/11/2015		U.S. District Court, Eastern District of PA

U.S. District Court Order

AND NOW, this 6th day of February, 2015, upon consideration of Relator's Petition for a Writ of Habeas Corpus, IT IS ORDERED that:

1. The District Attorney of Bucks County shall file a specific and detailed answer, with exhibits attached, within thirty (30) days from the date of this Order pursuant to Rule 5, 28 U.S.C. fol. 2254, specifically addressing 28 U.S.C. 2244(d), if applicable. As required by 18 U.S.C. 3771(b)(2), the Commonwealth is FURTHER ORDERED to ensure that in a federal habeas corpus proceeding arising out of a state conviction, any crime victims are afforded their rights under the Crimes Victims Act, as amended December 1, 2009.

2. The Prothonotary, Clerk of Court, or Office of Judicial Support of Bucks County shall file with the Clerk of Court copies of ALL RECORDS, INCLUDING transcripts of Notes of Testimony at Arraignment, Trial, Sentencing, Suppression Hearings, Post Conviction Hearings, Petitions, Pleadings, Opinions and Briefs of State Court proceedings in the matter of Commonwealth v. Jason Piasecki, CP-09-CR-5364-2009, Court of Common Pleas of Bucks County, Pennsylvania within sixty (60) days of the date of this order.

1 COPY OF FILE SENT

Bucks County District Attorney's Office

02/11/2015

1	02/12/2015	Court of Common Pleas - Bucks County
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Complete COPY of Record Sent to Appellate Court

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CASE FINANCIAL INFORMATION

Last Payment Date: 12/20/2010

Total of Last Payment: -\$1,055.00

Piasecki, Jason Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
Costs/Fees					
Bucks Co. Witness Fee (Bucks)	\$7.10	-\$7.10	\$0.00	\$0.00	\$0.00
State Court Costs (Act 204 of 1976)	\$12.30	-\$12.30	\$0.00	\$0.00	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$18.40	-\$18.40	\$0.00	\$0.00	\$0.00
County Court Cost (Act 204 of 1976)	\$26.80	-\$26.80	\$0.00	\$0.00	\$0.00
Crime Victims Compensation (Act 96 of 1984)	\$35.00	-\$35.00	\$0.00	\$0.00	\$0.00
Domestic Violence Compensation (Act 44 of 1988)	\$10.00	-\$10.00	\$0.00	\$0.00	\$0.00
Victim Witness Service (Act 111 of 1998)	\$25.00	-\$25.00	\$0.00	\$0.00	\$0.00
Firearm Education and Training Fund	\$5.00	-\$5.00	\$0.00	\$0.00	\$0.00
Judicial Computer Project	\$8.00	-\$8.00	\$0.00	\$0.00	\$0.00
ATJ	\$2.00	-\$2.00	\$0.00	\$0.00	\$0.00
DNA Detection Fund (Act 185-2004)	\$250.00	-\$250.00	\$0.00	\$0.00	\$0.00
Misd. & Felony Before Trial (Bucks)	\$193.00	-\$193.00	\$0.00	\$0.00	\$0.00
Law Library (Bucks)	\$10.00	-\$10.00	\$0.00	\$0.00	\$0.00
Sheriff Fee (Bucks)	\$5.00	-\$5.00	\$0.00	\$0.00	\$0.00
Automation Fee (Bucks)	\$5.00	-\$5.00	\$0.00	\$0.00	\$0.00
Admin Fee (Bucks)	\$27.00	-\$27.00	\$0.00	\$0.00	\$0.00
Information Service Fee (Bucks)	\$3.00	-\$3.00	\$0.00	\$0.00	\$0.00
Costs of Prosecution - CJEA	\$50.00	-\$50.00	\$0.00	\$0.00	\$0.00
OSP (Bucks/State) (Act 35 of 1991)	\$400.00	-\$400.00	\$0.00	\$0.00	\$0.00
OSP (Bucks/State) (Act 35 of 1991)	\$400.00	-\$400.00	\$0.00	\$0.00	\$0.00
Superior Court Appeal (Bucks)	\$50.50	-\$50.50	\$0.00	\$0.00	\$0.00
Costs/Fees Totals:	\$1,543.10	-\$1,543.10	\$0.00	\$0.00	\$0.00
Grand Totals:	\$1,543.10	-\$1,543.10	\$0.00	\$0.00	\$0.00

** - Indicates assessment is subrogated

EXHIBIT B

11:41 A.M.

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 1397 EDA 2010****Page 1 of 4****March 8, 2015****CAPTION**

Commonwealth of Pennsylvania

v.

Jason Piasecki

Appellant

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Closed

Case Processing Status: January 30, 2012 Completed

Journal Number: J-A13032-11

Case Category: Criminal

Case Type(s): Criminal

CONSOLIDATED CASES**RELATED CASES****SCHEDULED EVENT**

Next Event Type:

Next Event Due Date:

COUNSEL INFORMATION**Appellant Piasecki, Jason**

Pro Se: No

IFP Status: No

Attorney: Maloney, Douglas

Law Firm: Begley, Carlin & Mandio, L.L.P.

Address: 680 Middletown Blvd

P.O. Box 308

Langhorne, PA 19047

Phone No: (215) 750-0110

Fax No: (215) 750-0954

Appellee Commonwealth of Pennsylvania

Pro Se: No

IFP Status:

Attorney: Heckler, David Ward

Address: Bucks County District Attorney's Office

55 E. Court Street

Doylestown, PA 18901

Phone No: (215) 348-6344

Fax No: (215) 348-6299

Attorney: Diaz, Karen Ann

Address: Bucks County District Attorney's Office

55 E Court St

Doylestown, PA 18901

Phone No: (215) 348-6331

Fax No: (215) 348-6299

11:41 A.M.

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 1397 EDA 2010****Page 2 of 4****March 8, 2015****FEE INFORMATION**

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
05/21/2010	Notice of Appeal	73.50	05/27/2010	2010-SPR-E-000854	73.50

AGENCY/TRIAL COURT INFORMATION

Court Below:	Bucks County Court of Common Pleas	Division:	Bucks County Criminal Division
County:	Bucks	Judicial District:	07
Order Appealed From:	April 26, 2010	Notice of Appeal Filed:	May 21, 2010
Documents Received:	May 27, 2010		
Order Type:	Judgment of Sentence		
OTN(s):	L5001964		
Lower Ct Docket No(s):	CP-09-CR-0005364-2009		
Lower Ct Judge(s):	Boylan, Rea Behney		
	Judge		

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Record	December 06, 2010	4 Vols of testimony
Exhibits	December 06, 2010	1 Env Filed

Date of Remand of Record: January 30, 2012**BRIEFING SCHEDULE**

Appellant	Appellee
Piasecki, Jason	Commonwealth of Pennsylvania
Brief	Brief
Due: January 18, 2011	Filed: January 18, 2011
	Due: February 17, 2011
	Filed: February 17, 2011

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 27, 2010	Notice of Appeal Docketed	Appellant	Piasecki, Jason
May 27, 2010	Docketing Statement Exited (Criminal)		Bramblett, Karen Reid
June 3, 2010	Docketing Statement Received (Criminal)	Appellant	Piasecki, Jason
September 2, 2010	Notice to Lower Court Regarding Delinquent Record		O'Connor, Jr., Charles E.
December 6, 2010	Trial Court Record and Opinion Received		Bucks County Court of Common Pleas
January 18, 2011	Appellant's Brief Filed	Appellant	Piasecki, Jason
January 21, 2011	Reply Letter(s) Printed		Bramblett, Karen Reid

11:41 A.M.

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 1397 EDA 2010****Page 3 of 4****March 8, 2015****DOCKET ENTRY**

Filed Date	Docket Entry / Representing	Participant Type	Filed By
January 25, 2011	Reply Received (Argument) Piasecki, Jason	Appellant	Maloney, Douglas
February 17, 2011	Entry of Appearance - District Attorney Commonwealth of Pennsylvania	Appellee	Diaz, Karen Ann
February 17, 2011	Appellee's Brief Filed	Appellee	Commonwealth of Pennsylvania
March 31, 2011	Acknowledgement of Argument Notice Commonwealth of Pennsylvania	Appellee	Diaz, Karen Ann
April 26, 2011	Acknowledgement of Argument Notice Piasecki, Jason	Appellant	Maloney, Douglas
July 25, 2011	Affirmed		Colville, Robert E.
August 22, 2011	Petition for Permission to Appeal to PA Supreme Court Filed Comment: 608 MAL 2011	Appellant	Piasecki, Jason
August 22, 2011	Petition for Permission to Appeal to PA Supreme Court Filed Comment: 608 MAL 2011	Appellant	Piasecki, Jason
January 6, 2012	Order Denying Petition for Allowance of Appeal to PA Supreme Court		Supreme Court of Pennsylvania
January 30, 2012	Remitted		Bramblett, Karen Reid

SESSION INFORMATION

Journal Number: J-A13032-11
 Consideration Type: Oral Argument - Panel
 Listed/Submitted Date: April 27, 2011

Panel Composition:

The Honorable Judith F. Olson	Judge
The Honorable Robert A. Freedberg	Judge
The Honorable Robert E. Colville	Judge

DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	July 25, 2011
Related Journal No:	J-A13032-11	Disposition Author:	Colville, Robert E.
Category:	Decided	Disposition Date:	July 25, 2011
Disposition:	Affirmed	Filing Author:	
Dispositional Filing:	Memorandum		
Filed Date:	7/25/2011 12:00:00AM		

REARGUMENT / RECONSIDERATION / REMITTAL

Neither the Appellate Courts nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on the docket sheets.

11:41 A.M.

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1397 EDA 2010

Page 4 of 4

March 8, 2015

Filed Date:

Disposition:

Disposition Date:

Record Remittal: January 30, 2012



CROSS COURT ACTIONS

Docket Number:	608 MAL 2011
Court Name:	Supreme
Short Caption:	Commonwealth v. Piasecki, J., Pet
Case Status:	Closed
Disposition:	Order Denying Petition for Allowance of Appeal
Disposition Date:	January 6, 2012
Petition Reargument/Reconsideration Filed Date:	
Reargument Disposition:	
Reargument Disposition Date:	
Cross Court Action Type:	Filing of Decision or Opinion

EXHIBIT C

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :

v. :

JASON PIASECKI :

No. 5364/2009

(1397 EDA 2010)

2010 NOV 30 A 11: 06
BUCKS COUNTY
DISTRICT ATTORNEY'S
OFFICE

OPINION

Defendant, Jason Piasecki, appeals his conviction of Sexual Abuse of Children- Possession of Child Pornography¹ following a waiver trial. In this appeal, Defendant challenges the denial of his pretrial motions, the sufficiency of the evidence, and the weight of the evidence.

On November 9, 2009, Defendant filed a Motion to Suppress Evidence. On January 6, 2010, Defendant filed Motion to Dismiss Due to Commonwealth Destruction of Exculpatory Evidence. On January 12, 2010, after a hearing on the motions, this Court denied Defendant's pretrial motions.

On January 12, 2010, a waiver trial commenced. At the conclusion of the Commonwealth's case, this Court sustained a demurrer on fifteen counts of Sexual Abuse of Children- Dissemination of Photographs, Videotapes, Computer Depictions and Films.² N.T. 1/12/10, p. 86. On January 14, 2010, at the conclusion of the trial, Defendant was found guilty of fifteen counts of Sexual Abuse of Children- Possession of Child Pornography. N.T. 1/14/10, p. 83. Sentencing was deferred for a sexual offender assessment pursuant to 42 Pa.C.S. § 9795.4. The assessment determined that Defendant did not meet the criteria for a sexually violent predator. N.T. 4/26/10, p. 2. On April 26, 2010, Defendant received a sentence of three years probation. N.T. 4/26/10, p. 13.

¹ 18 Pa.C.S. § 6312(d)(1).

² 18 Pa.C.S. § 6312(c)(1).

On May 21, 2010, Defendant filed a timely Notice of Appeal to the Superior Court. On May 25, 2010, this Court issued an Order directing the defendant to file a Statement of Matters Complained of on Appeal. On June 15, 2010, Defendant filed a Statement.

Defendant's arguments on appeal are as follows: (1) the trial court erred in failing to grant Defendant's suppression motion; (2) the trial court erred in failing to dismiss the charges due to prosecutorial misconduct; (3) insufficient evidence existed to convict Defendant; and (4) the verdict was against the weight of the evidence.

The following is a summary of the facts this Court found during the pretrial suppression hearing and subsequent waiver trial.

The charges against Defendant arose from the discovery of child pornography on his home computer. Detective Jeff Cummins of the New Britain Township Police Department possesses ten and one half years of law enforcement experience, has training in computer analysis and the Gnutella Network,³ and is a member of the Internet Crimes Against Children Network Task Force. N.T. 1/11/10, pp. 96-97. On March 12, 2009, Detective Cummins ascertained, through the Gnutella Network, that a computer with the IP address of 71.224.63.69 was in possession of child pornography. N.T. 1/11/10, p. 97. With his experience, Detective Cummins knew that thirty-nine videos possessed by this computer depicted known images and videos of child pornography. N.T. 1/11/10, pp. 15-17, 97.

Detective Cummins downloaded three complete files and one partial file to confirm that their contents included child pornography. N.T. 1/11/10, p. 97. The pornographic material obtained from the IP address of 71.224.63.69 could have only been downloaded by Detective

³ "eP2P" which is also known as "enhanced peer-to-peer." N.T. 1/11/10, p. 23.

Cummins because the defendant agreed to share this information through the LimeWire program. N.T. 1/11/10, p. 98.

Detective Cummins ascertained the subscriber identification information for the IP address from Comcast Cable Communications. N.T. 1/11/10, pp. 19, 97. The subscriber was identified as "Marlene Piasecki, 110 Overlook Avenue, Washington Crossing, Pennsylvania." N.T. 1/11/10, p. 19. Detective Cummins contacted Detective Patricia Haines of the Upper Makefield Police Department, as this address was in her police jurisdiction. N.T. 1/11/10, p. 19. Thereafter, Detective Haines, who has a total of twenty-six years experience in law enforcement, became involved in this investigation. N.T. 1/12/10, pp. 19-20.

On April 1, 2009, Detective Cummins sought and obtained a warrant for the computer with the IP address of 71.224.63.69, Exhibit CS-1. N.T. 1/11/10, p. 97. That same day, at approximately 6:20 p.m., Detective Haines and Detective Cummins went to the defendant's residence at 110 Overlook Avenue, Washington Crossing, Bucks County, Pennsylvania. N.T. 1/12/10, pp. 19-20. Both detectives were in street clothes, had their weapons concealed under their jackets, and arrived in unmarked vehicles. N.T. 1/12/10, p. 20.

Two uniformed officers accompanied the detectives. N.T. 1/12/10, p. 20. Detective Cummins knocked on the door, located on the lower basement level of the residence. N.T. 1/12/10, p. 20. Defendant answered the door. N.T. 1/12/10, p. 20. Detective Cummins introduced himself to Defendant and asked Defendant if they could come in. N.T. 1/12/10, pp. 20-21. They also asked Defendant two to three times if it would be ok to speak with him about computer usage in the home. N.T. 1/12/10, pp. 20-21. Defendant agreed, motioned, and escorted the officers into his home, specifically to the second floor family room area. N.T. 1/12/10, p. 21. Defendant was told that he did not have to speak to the officers, nor did he have

to answer any questions. N.T. 1/11/10, p. 102. The defendant was not forcibly restrained, nor were restraints used; no coercive statements were made to the defendant. N.T. 1/12/10, p. 25.

Defendant said that his eight year old son was the only other person present in the home at that time. N.T. 1/12/10, p. 21. Both detectives sat down with Defendant on the sofa in an L-shaped seating arrangement located in the family room. N.T. 1/12/10, p. 21. Defendant was seated in between the two detectives. N.T. 1/12/10, p. 21. One officer stood in a nearby archway leading to the kitchen while the other uniformed officer offered to entertain the defendant's son and exited the room to play X-box with the son. N.T. 1/12/10, p. 22. During the course of the interview the defendant's son entered several times and spoke to the defendant. N.T. 1/11/10, p. 161.

The detectives and the defendant talked about computer usage. N.T. 1/12/10, p. 22. Defendant stated that he had installed Kazaa, FrostWire, and LimeWire file sharing networks on his computer to run searches and download music. N.T. 1/12/10, p. 22. Defendant explained that you use specific keyword searches to look for available music and video files to download. N.T. 1/11/10, p. 104. He said that you highlight the file you want to download and then the file sharing system downloads files into a shared folder. N.T. 1/12/10, p. 22. Defendant acknowledged that he knew how a shared folder works, saying that it made sense that that's how file sharing would work, and that other people could get files from him. N.T. 1/12/10, p. 22; N.T. 1/11/10, p. 107. Defendant admitted that he previewed files as they were downloading, because it took time to download files. N.T. 1/12/10, p. 23.

Defendant initially told the detectives that he never saw or searched for child pornography, stating that he "was not into" child pornography. N.T. 1/12/10, pp. 22-23; N.T. 1/11/10, p. 106. Soon thereafter, Defendant changed his story and said that he may have

accidentally downloaded child pornography on a prior occasion, but if he did, he would have deleted it immediately. N.T. 1/12/10, pp. 22-23; N.T. 1/11/10, p. 106. As the conversation progressed, Defendant admitted to seeing child pornography once or twice, but towards the end of the interview, Defendant stated that he had seen it between twenty and thirty times. N.T. 1/12/10, p. 23; N.T. 1/11/10, p. 106. Defendant also claimed that if he saw it, he would immediately click to the end of the file, and then delete the file as he was not interested in it. N.T. 1/11/10, p. 107.

Detective Cummins then showed Defendant a photo still of a clothed young girl from one of the child pornography videos he downloaded from Defendant's shared folder. N.T. 1/12/10, p. 23. Defendant admitted that he might have seen this before. N.T. 1/12/10, pp. 23-24. The photo still was from a one minute and thirty-nine second video in which a child disrobes and performs oral sex on a male subject. N.T. 1/11/10, p. 109. Defendant then asked the police, if he deleted any such files he had on his computer would they "make this go away?" N.T. 1/12/10, p. 24. Defendant asked police if he would be arrested because he did not want to lose his son, and they responded "no, not today." N.T. 1/12/10, p. 24.

During the interview, Defendant's cell phone rang; he answered it without asking permission, and spoke to his father. N.T. 1/12/10, p. 24. Police could hear Defendant's father directing him to stop talking to the police. N.T. 1/12/10, p. 24. After he ended the call, Defendant offered to show the police his computer. N.T. 1/12/10, p. 24. The detectives showed Defendant the search warrant and Detective Cummins then executed the warrant by unplugging the computer and the other equipment as he was trained to do to preserve evidence. N.T. 1/11/10, pp. 21-22, 24, 97-98; Exh. CS-1. In total twenty-four pieces of evidence were seized, including other computers in the home. Exh. C-1.

Thereafter, Agent Brian Coleman, an expert in computer forensics, an Encase Certified Examiner (EnCE), and a special agent with the Pennsylvania Office of the Attorney General's Computer Forensic Unit examined the computers related to this case. N.T. 1/11/10, pp. 47-48, 54. The computer in Defendant's room, IP address of 71.224.63.69, had two hard drives and the LimeWire program had been installed on it. N.T. 1/14/10, pp. 28-31; N.T. 1/11/10, pp. 54-55, 59-60.

Agent Coleman explained that the way the Gnutella Network works is similar to a library. N.T. 1/11/10, p. 49. You first must have a program, in this case, the LimeWire program, and then the network allows the computers to talk to each other and share files. N.T. 1/11/10, p. 49. In order to share files, the LimeWire program must be running, and you must designate which files you do not wish to share. N.T. 1/11/10, pp. 49-52. The default setting would share files throughout the network. N.T. 1/11/10, pp. 52-53. If you wish to search for a file, you enter search terms through the LimeWire program and a search is conducted throughout the shared Gnutella Network. N.T. 1/11/10, p. 50.

When a file is downloaded a creation date notes when the file is first introduced to that media. N.T. 1/12/10, p. 56. The creation dates for the known child pornography in this case were notable as they were not the same and varied by months, days, hours, and seconds. N.T. 1/12/10, p. 56. Agent Coleman also stated that an outside person accessing files on the LimeWire program would not be able to change the access date. N.T. 1/11/10, pp. 71-72.

Agent Coleman also explained that while a video file is downloading you can preview the file, and it will create a separate independent video of the portion that is downloaded to that point. N.T. 1/12/10, p. 54. Here there were eighteen preview files for child pornography, ten of which were then subsequently downloaded completely. N.T. 1/12/10, pp. 54-55. Because the

preview dates and times were not the same and varied by days, hours, and seconds, Agent Coleman opined that this was not a mass download. N.T. 1/14/10, pp. 36-42. For example, on December 26, 2008 at 5:25:35 p.m. Preview-T-93970105-Kids Teens Women (Porno-Lolitas-Preteens-Reelkiddymove-R@Ygold-Hussyfans-Underage-Girls-Children-Pedofilia- was created. N.T. 1/14/10, p. 37. The closest previews files in time to this were downloaded at December 26, 2008 at 12:25:55 p.m. and December 26, 2008 at 5:30:04 p.m. N.T. 1/14/10, p. 37.

In total, Agent Coleman found ninety-three apparent child pornography videos on Defendant's computer hard drive in designated LimeWire shared folders. N.T. 1/12/10, pp. 49-50, 53-54; Exh. C-3. The videos depicted children being vaginally, anally, and orally penetrated- ranging in age from month old babies to ten year old children. N.T. 1/12/10, p. 53; Exhs. C-3 & C-4. The following is the list of the file names that Defendant downloaded or previewed on his computer:

1. 2 14yo girls in woods (Mafiasex) (Hussyfan) (Pthc) (R@Ygold) (Babyshivid) (Lolitaguy) Naked Nymphets.mpg
2. Porn- (pthc) 9yo vicky stripping and sucking (kiddy pedo illegal underage preteen).mpg
3. pthc 16yo babysitter Edina fucks 3 underage teen boys 12.02.mpg
4. webcam 13yo, 13yo and 14yo girls showing there titts NEW 2008 (pthc, ptsc, hussyfan, R@ygold, liluplanet) hidden camera.avi
5. T-93970105-Kids Teens Women (Porno-Lolitas-Preteens-Reelkiddymov-R@Ygold-Hussyfans-Underage-Girls-Children-Pedofilia-Pthc-Ptsc-Xxx-Sexy).mpg
6. Preview-T-23519229-(Hussyfan) (pthc) (r@ygold) (babyshivid) Hana.mpg
7. Preview-T-93970105-Kids Teens Women (Porno-Lolitas-Preteens-Reelkiddymov-R@Ygold-Hussyfans-Underage-Girls-Children-Pedofilia-Pthc-Ptsc-Xxx-Sexy).mpg
8. T-23519229-(Hussyfan) (pthc) (r@ygold) (babyshivid) Hana.mpg
9. T-72816640-pthc-Valya-Piece 5 (Aka Irida 8Yo) assfuck cut pantyhose.avi

10. Preview-T-104121772-PTHC- Open-NOBULL_family fun dad teaches bro and sis abt 9,10 kid sex incest pedophilia boy girl 12.38.mpg
11. Preview-T-53118206-(Pthc)- New 2007 Laura Pussy Fuck 1 (resized).mpg
12. Preview-T-14520320-PTHC] 'Illegal Preteen-Young Little Kiddy Childs- NO BULL_2 naked midteen girls affectionate, yg man has bit part few sec 1.42(pedofilia)(lez).mpeg
13. Preview-T- T-72816640-pthc-Valya-Piece 5 (Aka Irisa 8Yo) assfuck cut pantyhose.avi
14. Preview-t-82145220-Classic Porn Incest Family – Teens Incest – Mother Shower , Son and Daughter playing doctor 1 1.mpg
15. T-401113088- Tenny-Film- Lolita 4- Preteen 10 Yo Yojo – Fullsex, Spank – Child-Sado-Slave (Pthc – 42 m25S).mpg
16. T-298296974-Pthc – Hc Pt3 Two little girls playing – Preteen sex with man – Indian Family Sex (22m44s).mpg
17. Preview- T-298296974-Pthc – Hc Pt3 Two little girls playing – Preteen sex with man – Indian Family Sex (22m44s).mpg
18. T-39654440-ZZZ Ro_Rolita Loli Pthc R@Ygold Hussyfan_Kid (123) (MAP).mpg
19. Preview-T-13261933-Is magazine (Pthc) Russian girl 13yo (New) 003.mpg
20. Preview- T-401113088- Tenny-Film- Lolita 4- Preteen 10 Yo Yojo – Fullsex, Spank – Child- Sado-Slave (Pthc – 42 m25S).mpg
21. Preview-T-28313051-r@ygold preteen tries 12 y boy fucks 8y sister – PTHC Unknown Bro 10yo sis 8 yo.MPG
22. T-28313051-r@ygold preteen tries 12 y boy fucks 8y sister – PTHC Unknown Bro 10yo sis 8 yo.MPG
23. Preview-T37681152-9 yo Blonde in Camping Incest(3m8s)exQ(sound)36,798KB pthc underage r@ygold preteen illegal sister.avi
24. T-83283968-Moscow 5-1 (VHS 5) 7 yo daughter Pedo Mom – (Rare dad & Daughter PTHC Video) (((Kingpass)))....1.avi
25. T-16953140-Lena 12 Yo Nude Preteen Girl Hussyfan Pthc Pedo Voyeur Hidden Cam 2006 New).avi
26. T-59107332-Babyshivid-Samples 3Yo Gets It Every Way Imaginable (Pthc Pedo Babyfuck}5M46S.mpg

27. T-53118206-(Pthc) – New 2007 Laura Pussy Fuck 1 (resized).mpg
28. Preview T-43133440-(Pthc Lolifuck) Kimmy – 14 Y O New.mpg
29. T-286584095-Pedo – Vicky – (Pthc) The 107 Minutes Collection.mpg
30. PTHC] 'Illegal Preteen – Young Little Kiddy Childs –NOBULL_2naked midteen girls affectionate, yg man has bit part few sec 1.42(pedofilia)(lez).mpeg
31. (Hussyfan) (pthc) (r@ygold) (babyshivid) Asian kids #018,,,,,,,,,Cambodian Child Brothel, Svay Pak, 5yo, 6yo, 8yo, 10yo, 12yo. Pedo. Real stuff.avi
32. 9yo littlegirl displays her sweet yng cunt – PART2 – Pussy licking now (2 min7sec) (Orig duogil1)- reelkiddymov Lolita preteen young incest kiddie porno sex xxx ddoggprn.mpg
33. (Pthc) Scissor & Rock – 10yo Wins A Good Fuck – 20m43s.mpg
34. PTHC- NEW_MASHA-day_12yo_FULLL_with_orgasm.avi
35. Blonde 4yo girl licks moms pussy – R@ygold – PTHC – Pedo – Hussyfan- Babyshivid – Zadoom – ChildFugga – Lolita – Kiddy – Child Porn – Illegal – Ddoggprn.jpg.mpg
36. ZZZ Ro_Rolita Loli Pthc R@Ygold Hussyfan_Kid (123) (MAP).mpg
37. Pthc – Hc Pt3 Two Little Girls Playing – Preteen Sex With Man – Indian Family Sex (22m44s),,,,,,(r@ygold tvg 23 (2 girls 12 yo play and fuck dad).mpg
38. Homemade Underage – Ninafeta sexo – Kinder porno 29 sec illegal preteen underage Lolita kiddy child (1).mpg
39. Kdv – WERBUNG –boy 8yo_12_15 very good pj# s00 hmr rf# brn preteen boys gerbys yamad kingpass sex fuck pthc stars.mpg
40. Color Climax – Taboo 2 Part – Family Incest – Threesome (Incest – Edina 14-15-18 Yr Defloration Part2) – Brother & Sister In Bathtub – Real Nice Dutch (Russian) Teenie Fuck (9Mi.mpg
41. Color Climax 1975 Pthc – Really Cute 9yo Danish Boy BonerErect Child Deserves Sex TOO_!! Work It Off With 2 Woman_Dad Takes The Young One (Trade Only) pedo porn.mpg
42. Two 13Yr. Old Little Girls Gets Cum in Face... kiddy child ddoggprn Lolita in (illegal_preteen_underage_lolita_kiddy_child_incest_xxx_porno_gay_fuck_young_naked_nude_little_gir.mpg

43. Cp Tvg 13 Bond 10-11-12Yo Childlover Little Collection Video 0039 Girl- Vicky String Bikini Pthc 11Yo Pedofilia.mpg
44. (((KINGPASS))) (pthc) (dark studio) Dark Robbery.mpg
45. (Hussyfan) (pthc) (r@ygold) Preteen Asian ALICA, 11yo Philippine (Filipina) child prostitute XXX HC Pedo ptsc.mpg
46. PTHC -G- Lana super 11yo (likeLSM,but uses dildos in mouth n cunt).avi
47. Pthc Showstars Oxi & Jenny (11Yo &10Yo Topless).avi
48. XXX - Pthc - 12yo &8yo pedo - real kids fucking - creampie, loads of cum (no blood), interracial child sex, fucks like rabbits.mpg
49. Pthc 12 - Year - Mother Films 12 Year Old Daughter Giving 14 Year Old Son A Blow.mpg
50. MafiaSex.Ru_Children_Kids_Hard_000013_R@ygold_Mexican_Girl_Really_Good_Pthc_Child_Sex_Porn_Pedo_5.48 (2).mpg
51. kids--bj--UNDER AGE(Pthc) (Hussyfan) (Kingpass) (Vicky) (Lordoftherring) (Moscow) (Liluplanet) (Nablot) (St Petersburg) R@Ygold)(Babyshivid.mpg
52. ls magazine (Pthc) Russian girl 13yo (New) 003.mpg
53. child sexually abused
MafiaSex.Ru_Children_Kids_Hard_000013_R@ygold_Mexican_Girl_Really_Good_Pthc_Child_Sex_Porn_Pedo_5.48.mpg
54. new-PTHC-TakingEmHome-(Really Good).mpg
55. Pthc - Pedofilia - Hot 14yr stripper.mpg
56. Pedo - Columbian Girl- Strip Tease and Defloratione 12Yo Pthc (25min 42sec).mpg
57. 9 yo Blonde In Camping Incest(3m8s)exQ(sound)37,798KB pthc underage r@ygold preteen illegal sister.avi
58. PTHC BumYum Diaper Beauty01_Finding my girls hot lil' button!pthc babj babyshivid pedo 1yo 2yo 3yo 4yo 5yo private incest toddler.avi
59. Tenny-Film - Lolita 4 - Preteen 10Yo Yojo - Fullsex, Spank - Child-Sado-Slave (Pthc-42m25S).mpg

60. PTHC – Open-NOBULL_family fun dad teaches bro and sis abt 9,10 kid sex incest pedophilia boy girl 12.38.mpg
61. ! NEW ! (pthc) 2007 Tara 8yr – Tara kutje) (pedo) (ptsc).mpg
62. Hegre PTHC two 15 year old lez.mpeg
63. PEDO WORLD – PTHC – St Petersburg (I07)- 12yo girl strips and gives man a handjob + facial.avi
64. Pthc New 2006 !!! Guatemala 9Yo Nena De La Calle (Soppe2) {Rare Reel Fck Good} (Kleuterkutje) (Pedo) (Ptsc) Very Go.mpg
65. ANNI 10 Hussyfan) (Pthc) Vicky 7yo and 10yo 69 Pedo Child Porno Lolita.mpg
66. Preteen Lolita kiddy porn underage illegal sex child ddoggprn Bilder nudist nackt gay masturbate fucking fuck animal dog horse ficken(2).mpg
67. (Pthc Lolifuck) Kimmy – 14 Y O New.mpg
68. Q ! New ! (Pthc) Valyga-24.avi
69. two girls (11yo and 12 yo)and one boy (15yo)(pthc) Hussyfan Masterbating and Suck_Complete.mpg
70. Tsubasa 12Yo Girl Blow Job Pthc R@Ygold Lolita Kingpass.mpg
71. Euman Hindoo Prostitute 10Ans-2-1(Hussyfan) (Pthc) (R@Ygold) (Babyshivid) (India Lolita).mpg
72. Hc Vim04 – Babysitter And Girl 8Yo – 10Yo Having Sex With Older Sister (Anal Toys!!) Incest – Pedo Mom Helps Dad Fuck His Tiny Daughter (B)- (pthc – 20m15s).mpg
73. Pedo- Vicky Compilation (Pthc) 10yo Kiddy Reality Child Get's What She Wants- All Kinds of Fuck Fu.mpg
74. Young Video Models – Angels2 Mylola Pthc R@Ygold Lsm-2000-05 1.avi
75. !!!NEW!!!(HC-Euro) – Color Climax 1980s – Roinittia Monikov-(Rare & hard to find pthc).avi
76. pedo anal.MPG
77. young hot porn.AVI

78. Pedofilia- Lesbians 14 &15 years old.mpeg
79. PTHC] 'Illegal Preteen – Young Little Kiddy Childs –NOBULL_2naked midteen girls affectionate, yg man has bit part few sec 1.42(pedofilia)(lez).mpeg
80. Two 13Yr. Old Little Girls Gets Cum in Face... kiddy child ddoggprn Lolita in (illegal_preteen_underage_lolita_kiddy_child_incest_xxx_porno_gay_fuck_young_naked_nude_little_gir.mpg
81. 11 yo girl rides the cock and loves it kiddy porn incest sex naughty little girl slut, priceless, pussy, white, ass, gangbang, fucked.mpg
82. Dad gets handjob from his daughter and her friend – preteen kiddy kiddie incest rape porno porn sex (8secs)(1).mpeg
83. Hindoo-3-indian FAVORITE BAMBINA-Collection_01-Real_Child_Porn!!! (illegal_preteen_underage_lolita_kiddy_incest_little_girl Rape_anal_cum_sex.mpg
84. 15yo gets raped, hymen visibly penetrated kiddy little girl young kiddyporn realkiddy child sex baby.mpg
85. Preteen Lolita kiddy porn underage illegal sex child ddoggprn Bilder nudist nackt gay masturbate fucking fuck animal dog horse ficken (2).mpg
86. Pedo- Vicky Compilation (Pthc) 10yo Kiddy Reality Child Get's What She Wants- All Kinds of Fuck Fun W.mpg
87. Homemade Underage – Ninafeta sexo – Kinder porno 29sec illegal preteen underage lolita kiddy child (1).mpg
88. 14 Yr. Old Blonde Sucks 14 Yr. Old Boyfriend's Cock%2e%2e. Private Amateur Teenager Sex Homevideos (Privat Real Homemade Homeclip Voyour Porn Spy Cam Webcam Teensex Yr Yo)014.mpg
89. Preview-T-50016207-Pthc – Vera – Piss & Anal Fuck – Full Video!!! – Rape – (Pedofilia Pedo Lolitas Children Kids Kidz Kiddy Preteen Pre-Teen Pretty Childl.avi
90. Preview-T-50016207-Pthc – Vera – Piss & Anal Fuck – Full Video!!! – Rape – (Pedofilia Pedo Lolitas Children Kids Kidz Kiddy Preteen Pre-Teen Pretty Childl.avi
91. Preview-T-62428594-pthc 16yo babysitter Edina fucks 3 underage teen boys 12.02.mpg
92. Preview-T-40080385-12 14 yo girls in the woods(Mafiasex) (Hussyfan) (Pthc) (R@Ygold) (Babyshivid) (Lolitaguy) Naked Nymphets.mpg

93. Preview-T-10825380-Porn – (pthc) 9yo vicky stripping and sucking (kiddy pedo illegal underage preteen).mpg

Exh. D-4. We note that each file listed has a different creation date. Exh. D-4.⁴

The router in this case was not analyzed, and Agent Coleman testified that the only possible information stored on a router would be “log files,” which is not relevant to any investigation or examination performed by his office. N.T. 1/11/10, pp. 55-56. According to Agent Coleman, if computers in the defendant’s home shared files on the network there would be a footprint of the access, and no footprints were found in this case. N.T. 1/11/10, p. 58.

The defendant raises four issues on appeal. Each issue will be addressed separately.

First, Defendant argues that “this Court erred and abused its discretion in failing to dismiss the charges due to prosecutorial misconduct in destroying potentially exculpatory evidence by repeatedly accessing crucial files and thereby altering the access records of said files and erasing the search term history on the computer by unplugging the computer before copying or recording the said information.”

After a pretrial hearing on the matter, this Court denied Defendant’s motion to dismiss. This Court found that any potentially useful evidence which is now unavailable because of the way in which the computer was seized was not lost or destroyed because the detective or law enforcement was acting in bad faith.

In *Commonwealth v. Taylor*, 393 A.2d 929 (1978), our Superior Court held that the decision to grant a pretrial motion to dismiss a criminal case is vested in the sound discretion of

⁴ Agent Coleman testified that he also found forty-nine “notable child pornography” files on the defendant’s computer. N.T. 1/12/10, p. 48; Exh. D-4. However, Agent Coleman stated that “notable child pornography” is where the file depicts children under the age of eighteen, but consultation with a pediatrician would be necessary to determine whether the video actually depicts a minor. N.T. 1/12/10, p. 48.

the trial court and may be overturned only upon a showing of an abuse of discretion or error of law. *Id.* at 932. See also *Commonwealth v. Moore*, 756 A.2d 64, 65 (Pa. Super. 2000).

The Supreme Court of Pennsylvania recently decided the case of *Commonwealth v. Snyder*, 963 A.2d 396 (2009), holding that the constitutional guarantees recognized in *Youngblood*, are found in the Due Process Clause of the Fourteenth Amendment which “requires defendants be provided certain access to certain kinds of evidence prior to trial, so they may ‘be afforded a meaningful opportunity to present a complete defense.’” *Snyder, supra*, 963 A.2d at 401 citing *Arizona v. Youngblood*, 488 U.S. 51 (1988) & *California v. Trombetta*, 467 U.S. 479 (1984).

In *Snyder*, our Supreme Court held that Pennsylvania and federal protections in this area of the law are identical. In *Illinois v. Fisher*, 540 U.S. 544 (2004), the U.S. Supreme Court distinguished between “potentially useful evidence,” which could have been subjected to tests, which might have exonerated Defendant, and “materially exculpatory evidence.” If only “potentially useful evidence” is destroyed, the defendant must show bad faith on the part of the Commonwealth to justify suppression. *Id.*

The Supreme Court noted that allegations that destroyed or lost evidence was exculpatory cannot be based on a “mere assertion” or “based purely on speculation and conjecture.” *Id.* at 405-06. “Potentially useful evidence” is defined as “evidence of which no more can be said than that it could have been subjected to tests, the results of which might have exonerated the defendant.” *Id.* at 403.

In *Snyder*, the Court was asked to determine the admissibility of analysis results of soil samples that had been collected pursuant to a search warrant and that had been destroyed after they were analyzed. The Court concluded that suppression was not warranted, because the

destroyed evidence was merely potentially useful and the evidence was not destroyed in bad faith. *Snyder*, 963 A.2d at 406. In reaching this decision, the Court undertook a due process analysis of federal and state cases. From its analysis, the Court concluded that due process does not require the suppression of the results of tests conducted on “potentially useful” samples that were destroyed before the defense had an opportunity to examine and analyze them, unless the Commonwealth acted in bad faith in destroying the samples. *Id.* at 405-06.

Additionally, in a similar case, *Commonwealth v. Lamana*, the Berks County Court of Common Pleas held “to justify corrective sanctions sought by the defendant here, the defendant must demonstrate that the police acted in bad faith in losing or destroying the evidence. *Commonwealth v. Small*, 741 A.2d 666, 676 (Pa. 1999) citing *Arizona v. Youngblood*, 488 U.S. 51 (1988).” *Lamana*, 7 Pa. D. & C. 5th 225, 228-29 (Berks County. 2009), *affirmed* 988 A.2d 723 (Pa. Super. 2009), *appeal denied* 996 A.2d 491 (Pa. 2010).

In the present case, the evidence does not support the Defendant’s claim that the Commonwealth acted in bad faith by unplugging the computer. Thus, some evidence that may have been compromised through no fault or knowledge of the Commonwealth was irrelevant to the defendant’s conviction. Detective Cummins, a member of the Internet Crimes Against Children Network Task Force, testified that he was trained to unplug computers to preserve evidence. In addition, Agent Coleman, an expert in computer forensics, testified that anything lost by unplugging the computer would be irrelevant to the case at hand and that the best practice to preserve evidence is to unplug a computer because it will not alter any information. Agent Coleman also stated that the most important date in the investigation is the file creation date and that file sharing with other users on the LimeWire/Gnutella Network would not affect the last

access date. In addition, we note that all the evidence in this case that was available to the Commonwealth for analysis was also available to the defense.

Second, Defendant argues that this Court erred and abused its discretion by failing to grant Defendant's Motion to Suppress Evidence. Specifically, Defendant challenges this Court's failure to suppress inculpatory statements made by Defendant.

After a hearing on the matter, this Court held that the statements Defendant made to police were made voluntarily and the defendant was not required to receive the *Miranda* warnings under the totality of the circumstances and denied the motion to suppress. N.T. 1/12/10, p. 25.

Our Superior Court has repeatedly held that:

The standard of review of a denial of suppression is whether the record supports the trial court's factual findings and whether the legal conclusions drawn therefrom are free from error. The scope of review is limited to considering only the evidence of the prosecution and so much of the evidence for the defense as remains uncontradicted when read in the context of the record as a whole. Where the record supports the findings of the suppression court, we are bound by those facts and may reverse only if the court erred in reaching its legal conclusions based upon the facts.

Commonwealth v. Schwing, 964 A.2d 8, 11 (Pa. Super. 2008) citing *Commonwealth v. Reppert*, 814 A.2d 1196, 1200 (Pa. Super. 2002). Thus, the standard is whether the record supports the suppression court's ruling or the court misapplied the law.

Further, the same court stated:

Law enforcement officer must administer *Miranda* warnings prior to custodial interrogation. The standard for determining whether an encounter with the police is deemed "custodial" or police have initiated a custodial interrogation is an objective one based on a totality of the circumstances, with due consideration given to the reasonable impression conveyed to the person interrogated. Custodial interrogation has been defined as "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his [or her] freedom of action in any significant way." "Interrogation" is police conduct calculated to, expected to, or likely to evoke

admission. When a person's inculpatory statement is not made in response to custodial interrogation, the statement is classified as gratuitous, and is not subject to suppression for lack of warnings.

...

The test for determining whether a suspect is being subjected to custodial interrogation so as to necessitate *Miranda* warnings is whether he is physically deprived of his freedom in any significant way or is placed in a situation in which he reasonably believes that his freedom of action or movement is restricted by such interrogation. Said another way, police detentions become custodial when, under the totality of the circumstances, the conditions and/or duration of the detention become so coercive as to constitute the functional equivalent of arrest.

The factors a court utilizes to determine, under the totality of the circumstances, whether a detention has become so coercive as to constitute the functional equivalent of arrest include: the basis for the detention; its length; its location; whether the suspect was transported against his or her will, how far, and why; whether restraints were used; whether the law enforcement officer showed, threatened or used force; and the investigative methods employed to confirm or dispel suspicions. The fact that a police investigation has focused on a particular individual does not automatically trigger "custody," thus requiring *Miranda* warnings.

Schwing, 964 A.2d at 11-12 citing *Commonwealth v. Mannion*, 725 A.2d 196, 200 (Pa. Super. 1999).

Applying the law to the present case, this Court held that the interview was not a custodial interrogation that necessitated the *Miranda* warnings being administered under the totality of the circumstances. Here, the interview was conducted in Defendant's home. Defendant agreed to allow the police to come inside after they asked to discuss internet usage with the defendant. The defendant was not deprived of freedom in any significant way, nor was he transferred against his will. Additionally, the defendant was not restrained in any way, nor were restraints used. The police advised Defendant that he did not have to speak to them and that he did not have to answer any questions. No coercive statements were made to the defendant by the police. Defendant was permitted to speak to his son at any time, to leave the

room, to answer his cell phone and to attend to personal matters without asking permission. We also note that Defendant chose to continue to talk to police after his father advised him to stop talking. For these reasons, we held that Defendant's statements were not the product of a custodial interrogation, and Defendant's motion to suppress was denied.

Third, Defendant argues that there was "insufficient evidence to convict him of knowing possession of child pornography where, *inter alia*, there was little or no evidence that he knowingly acquired child pornography or was aware that child pornography had been downloaded on the computer. Defendant argues that he did not know how to delete child pornography acquired through lime wire file sharing program, no other indicia of pedophilia or interest in child pornography was found during the search of the Piasecki residence and the Piasecki computer was part of a computer network and child pornography could have been acquired through a variety of sources and users."

In order to sustain a conviction, the Commonwealth must introduce evidence from which the finder of fact could find every element of the crime established beyond a reasonable doubt. *Commonwealth v. Montgomery*, 861 A.2d 304, 307 (Pa. Super. 2004). In judging a sufficiency of the evidence claim, the test on appeal is whether, when viewing the evidence in a light most favorable to the Commonwealth as the verdict winner and drawing the proper inferences favorable to the Commonwealth, the trier of fact could reasonably have found that all of the elements of the crime were established beyond a reasonable doubt. *Commonwealth v. Yost*, 386 A.2d 956, 958-59 (Pa. 1978). Moreover, our Supreme Court has held that it is the province of the trier of fact to pass upon the credibility of witnesses and the weight to be accorded the evidence produced. *Id.* at 959. In doing so, the fact-finder is free to believe all, part, or none of the evidence. *Id.*

The Superior Court of Pennsylvania has reiterated that the appellate court's role is not to weigh the evidence, nor substitute its judgment for that of the fact-finder. *Commonwealth v. Kerrigan*, 920 A.2d 190, 195 (Pa. Super. 2007). The *Kerrigan* opinion held that even if the facts and circumstances established by the Commonwealth do not preclude every possibility of innocence, "any doubts regarding a defendant's guilt may be resolved by the fact-finder unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances." *Id.* Furthermore, "the Commonwealth may sustain its burden of proving every element of the crime beyond a reasonable doubt by means of wholly circumstantial evidence." *Id.* All of the evidence introduced at the time of trial, and apparently believed by the fact-finder must be considered in applying this standard. *Commonwealth v. Ratsamy*, 934 A.2d 1233, 1237 (Pa. 2007). Thus on appeal, the test is whether the trier of fact, while passing upon the credibility of witnesses and the weight of the proof, reached an appropriate verdict based on all of the evidence presented at trial. *Id.*

The Pennsylvania Crimes Code defines "Sexual Abuse of Children- Possession of Child Pornography" as follows: "any person who intentionally views or knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act commits an offense." 18 Pa.C.S. § 6312(d)(1).

Here, the record reflects that the verdict is supported by more than sufficient evidence. The defendant's statements show an understanding of how the pornography would be accessed and his knowledge that he possessed it. During the interview with police, Defendant stated that he knew how to download files from LimeWire, FrostWire, and Kazaa. Defendant explained that you use keyword searches and then highlight the file that you wish to download. Defendant

initially told police that he had never seen or searched for child pornography. However, Defendant then admitted that he may have accidentally downloaded child pornography on a prior occasion, but would have deleted it immediately. Thereafter, Defendant acknowledged that he had seen child pornography approximately twenty to thirty times. Defendant then asked the police, if he deleted any files he had on his computer would they “make this go away?”

Further, Defendant’s argument that the files were part of a mass download of adult pornographic material is also unsupported as evidenced by the explicit and graphic nature of the titles of each file that Defendant highlighted before it was downloaded. Defendant’s argument is also unsupported as Agent Coleman opined and testified about the fact that ten of the eighteen preview files were subsequently downloaded to completion and that the file creation dates varied by months, days, minutes, and seconds.

The Commonwealth presented more than sufficient testimony and evidence to support the verdict.

Fourth, Defendant argues that “the verdict was against the weight of the evidence for, *inter alia*, the reasons set forth in the other issues raised on appeal as well as undisputed evidence concerning Defendant’s limited mental capacity, limited computer skills, the manner in which LimeWire functions and the manner in which child pornography can be acquired through perfectly legal search terms.”

In Pennsylvania, the standard of review for an appeal challenging the weight of the evidence is well-settled. The finder of fact is the exclusive judge of the weight of the evidence and is free to believe all, part, or none of the evidence presented. *Commonwealth v. Cruz*, 919 A.2d 279, 281-82 (Pa. Super. 2007). Additionally, the finder of fact determines the credibility of the witnesses. *Id.* In reaching its decision, it is the duty of the finder of fact to reconcile

inconsistent testimony and resolve any inconsistencies. *Commonwealth v. Manchas*, 633 A.2d 618, 624 (Pa. Super. 1993).

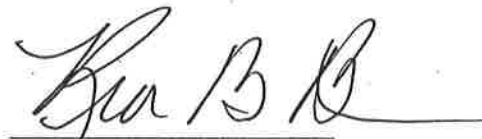
The relief sought in a weight of the evidence challenge is the award of a new trial. However, the Supreme Court of Pennsylvania has held a new trial should only be granted if the finding was against the weight of the evidence and is so contrary to the evidence that it shocks one's sense of justice. *Commonwealth v. Whitney*, 512 A.2d 1152, 1155-56 (Pa. 1986). The trial court's decision on a motion for new trial is committed to its sound discretion and an appellate court will not disturb its decision absent an abuse of discretion. *Id.* at 1156.

For these reasons and those previously stated, the verdict was not against the weight of the evidence.

Consequently, this Court found that all of the defendant's issues were without merit.

DATE: *November 29, 2010*

BY THE COURT,

A handwritten signature in cursive script, appearing to read "Rea B. Boylan", written over a horizontal line.

REA B. BOYLAN, J.

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CERTIFICATE OF SERVICE

I, Karen A. Diaz, Esquire, Deputy District Attorney of Bucks County, do hereby swear and affirm that on the 9th day of March, 2015, a true and correct copy of Respondent's Supplement is served upon the following in the manner indicated:

VIA ELECTRONIC FILING:

Clerk of the District Court
United States District Court
for the Eastern District of Pennsylvania
2609 United States Courthouse
601 Market Street
Philadelphia, PA 19106

VIA FIRST CLASS MAIL:

The Honorable Marilyn Heffley
U.S. Magistrate Judge
United States District Court
for the Eastern District of Pennsylvania
4001 United States Courthouse
601 Market Street
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Peter Goldberger, Esquire
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Respectfully submitted,

/s/ Karen A. Diaz

kad9038

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